

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

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IN RE: LIPITOR (ATORVASTATIN
CALCIUM) MARKETING, SALES
PRACTICES AND PRODUCTS LIABILITY
LITIGATION

MDL No. 2:14-mn-02502-RMG

CASE MANAGEMENT ORDER NO. 61

This Order relates to all cases.

AMENDED CASE SELECTION AND PRE-TRIAL SCHEDULING ORDER

This Order adopts the following schedule:

Date	Action
January 8, 2016	<p>In the three 80 mg cases selected for work-up on December 22, 2015 (<i>Brown</i>, 2:15-2103, <i>Rocco</i>, 2:15-1592, and <i>Stefano</i>, 2:15-805), Plaintiffs shall provide updated, materially compliant and current Plaintiff Fact Sheets and mandatory disclosures and two (2) deposition dates for each Plaintiff between January 25 and February 12, 2016. Pfizer may begin noticing the depositions of up to three (3) physicians per case, including up to one (1) treating (non-prescribing) physician, to be completed by March 8, 2016. By agreement or by Order of the Court, for good cause shown, Pfizer may seek additional depositions.</p> <p>Pfizer may serve up to 15 requests for production in the three cases. Counsel for the parties shall thereafter meet and confer and work to agree upon the scope of document discovery and format of response. Plaintiffs shall serve any responses at least five (5) days before the Plaintiff's deposition and no later than 30 days after service of the discovery requests.</p>

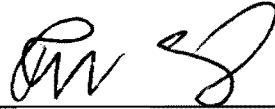
Date	Action
January 15, 2016	<p>Plaintiffs shall advise Pfizer whether, as to any of the three 80 mg cases selected for work-up, it is Plaintiffs' position that the Plaintiff either (1) did not take Lipitor 80 mg prior to diagnosis with diabetes, or (2) did not have the four risk factors for diabetes identified by this Court before Plaintiff took 80 mg Lipitor.</p> <p>If any of the three cases is voluntarily dismissed after this date, dismissal shall be with prejudice.</p>
January 22, 2016	Pfizer shall provide a Defendant's Fact Sheet for the remaining 80 mg cases selected for work-up.
March 9, 2016	The PSC and Pfizer shall each submit to the Court a short summary of each of the 80 mg cases with a proposal as to the first trial case.
March 14, 2016	The Court shall select the first case for trial from the 80 mg cases proposed by the parties. If the first selection is the case selected by the PSC for trial, the second case for trial shall be the case selected by Pfizer. If the first selection is the case selected by Pfizer for trial, the second case for trial shall be the case selected by the PSC.
By March 15, 2016	<p>The parties shall meet and confer and agree on a plan for additional case-specific discovery for the first two cases selected for trial, which shall be completed by April 15, 2016 (except for case-specific expert depositions). If the parties are unable to agree as to any issue relating to such discovery, they shall submit a joint letter to the Court identifying the issue and each side's position by March 16, 2016. In discovery depositions of Plaintiffs' healthcare providers, Pfizer's counsel will be the first questioner.</p> <p>Plaintiffs shall identify up to four (4) sales representatives or sales district managers for each trial case, whose custodial files shall be produced within 20 days. For each trial Plaintiff may notice the depositions of up to two (2) of the four sales representatives or district managers, to take place by May 6, 2016. As to those sales representatives or district managers whose depositions are noticed, Pfizer shall produce the following information from the personnel file for the employee or former employee: compensation information (salary, bonuses, and non-monetary compensation) and annual performance reviews during the time period that the employee</p>

Date	Action
	or former employee had responsibilities relating to the sale of Lipitor, and formal disciplinary documents related to Lipitor. These documents shall be produced no later than five (5) days prior to the deposition.
By March 24, 2016	Plaintiffs shall advise Pfizer whether Plaintiffs intend to notice a trial or preservation deposition of any healthcare provider. If the healthcare provider's deposition has not already been taken or scheduled to be taken by Pfizer, Pfizer may take a discovery deposition of such healthcare provider before the trial preservation deposition. Such trial preservation depositions shall be completed by May 6, 2016.
April 4, 2016	Plaintiffs' case-specific expert reports are due for first two cases selected for trial, together with two (2) dates for the deposition of each expert to take place between April 12 and April 26, 2016.
April 26, 2016	Pfizer's case-specific expert reports are due for first two cases selected for trial, together with two (2) dates for the deposition of each expert to take place between May 4 and May 18, 2016. No rebuttal expert report(s) will be allowed absent a motion demonstrating need for such a report and leave of the Court.
May 12, 2016	Deadline for the parties to file and exchange Fed. R. Civ. P. 26(a)(3) pretrial disclosures for the first case selected for trial. Pursuant to Rule 26(a)(3), these disclosures provide information about the evidence that the parties may present at trial other than solely for impeachment, including the identification of witnesses, identification of exhibits, and deposition designations.
May 19, 2016	Deadline for Plaintiff to file and serve a supplemental exhibit list for the first case selected for trial.
May 20, 2016	Deadline for case-specific Daubert and dispositive motions in the first case selected for trial.
May 23, 2016	Deadline for Pfizer to file and serve a supplemental exhibit list for the first case selected for trial.

Date	Action
May 27, 2016	<p>Deadline for the parties to file and exchange objections to Fed. R. Civ. P. 26(a)(3)(A) pretrial disclosures, including objections, counter-designations, and designations as set forth in Fed. R. Civ. P. 32 (a)(6).</p> <p>Deadline for the parties to file motions <i>in limine</i> in the first case selected for trial.</p>
June 10, 2016	<p>Deadline for responses to motions <i>in limine</i> in the first case selected for trial.</p> <p>Deadline for responses to case-specific Daubert and dispositive motions in the first case selected for trial.</p>
Between June 13 and 16, 2016	<p>The parties shall meet for the purpose of exchanging images of designated exhibits and conferring on (1) objections to and the admissibility of trial exhibits, (2) objections to deposition designations, and (3) motions <i>in limine</i>, to try to narrow the issues for the Court's resolution. Pursuant to Local Civil Rule 26.07, where possible, the parties shall agree on the admissibility of trial exhibits.</p>
June 17, 2016	<p>Deadline for replies in support of motions <i>in limine</i> in the first case selected for trial.</p>
June 20, 2016	<p>Deadline for replies in support of case-specific Daubert and dispositive motions in the first case selected for trial.</p>
June 21, 2016	<p>The parties shall submit resolved and unresolved differences on objections to exhibits and deposition designations to the Court.</p> <p>Deadline for the parties to file joint or competing set of jury instructions and proposed verdict forms.</p>
June 24, 2016	<p>Deadline for the parties to furnish the Court pretrial briefs pursuant to Local Civil Rule 26.05.</p>
To be set by future order	<p>Hearing on motions and pre-trial conference.</p>
July 8, 2016	<p>The parties must submit a joint Strikes for Cause form to chambers by 8 a.m.</p>
July 12, 2016	<p>Jury selection.</p>

Date	Action
July 13, 2016	Trial.

IT IS SO ORDERED.



Richard Mark Gergel
Judge, United States District Court

Dated: January 12, 2016
Charleston, South Carolina